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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUL 15 1996

MM Docket No. 96 - \_\_\_\_\_

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of: )  
 )  
Amendment of Part 73 of the )  
Rules and Regulations to Establish )  
Event Broadcast Stations )  
 )  
To: The Commission )

RM - \_\_\_\_\_

REQUEST FOR PIONEER'S PREFERENCE

Web SportsNet, Inc. and Gregory D. Deieso ("Petitioners"), by their attorney, and pursuant to Section 1.402 of the Rules and Regulations, herewith petitions the Commission to award a Pioneer's Preference in connection with the separate petition to institute rule making to establish Event Broadcast Stations. In support, Petitioners shows the following:

1. Petitioners have requested that the Commission create a new radio broadcast service -- Event Broadcast Stations. The essence of the proposal is for the FCC to adopt rules to permit operation on the AM and FM frequency bands of low power radio stations for temporary periods of time, to provide coverage and enhance defined events taking place at defined locations. The FCC rules currently and explicitly preclude such operation.

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2. Petitioner Gregory D. Deieso originated the concept of event broadcasting and was the driving force behind the development of the service. Petitioner Web SportsNet, Inc. has helped promote this proposed service and tendered the petition for rulemaking.

3. Mr. Deieso was instrumental in obtaining, in 1992, a Special Temporary Authority to operate a low power FM radio service at the U.S. Tennis Open. Later, Playfone Systems, Inc., controlled by Mr. Deieso,<sup>1</sup> obtained Experimental Authorization KF2XBF, which authorizes low power broadcasts in the AM, FM and TV broadcast bands throughout the United States, the Virgin Islands and Puerto Rico, at sports events. Several experimental broadcasts have been conducted and are planned under this authorization. These experiments have developed and refined the technology, skills and means to provide this new type of radio service. The experiments have proven successful and

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<sup>1</sup> The Commission granted an application for pro forma assignment of Experimental authorization KF2XBF from Playfone Systems, Inc. to Capital Broadcasting Systems, Inc. Mr. Deieso controlled both corporations. An application is pending before the Commission under which Mr. Deieso would relinquish positive control of Capital and whereby Web, together with Mr. Deieso, would exercise control over Capital. Web has committed funds to institute this rulemaking proceeding and to permit Capital to continue experimentation. Under agreements between the parties, Mr. Deieso has an interest in Web.

have compelled Petitioners to request that the FCC adopt permanent rules.

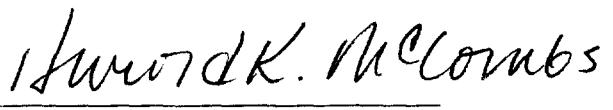
3. Petitioners have proposed that the Commission license the operation of low power event broadcast radio stations anywhere in the United States. Petitioners requests that Web SportsNet, Inc. be awarded one of these licenses, in recognition of the pioneering efforts of Gregory D. Deieso and Capital to establish this radio service.

4. Petitioners have developed a novel and innovative proposal that will result in a different use of the frequency spectrum from what was previously available and permitted. Indeed, it is a very efficient and focused use of the frequency spectrum.

**WHEREFORE**, Petitioners requests that the Commission award them a Pioneer's Preference.

Respectfully submitted,

**GREGORY D. DEIESO**  
**WEB SPORTSNET, INC.**

by   
Harold K. McCombs, Jr.

Their Attorney

July 15, 1996

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